IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 28TH AUGUST 2006 / 6TH BHADRA 1928

Bail Appl..No. 5278 of 2006

O.R.NO.9/2006 OF KODUMPUZHA FOREST STATION

PETITIONER/ACCUSED:

K. KUNJALANKUTTY, S/O. KUNJARAMU,
AGED 44, KURUNIYAN HOUSE,
OTHUKKANGAL P.O., MALAPPURAM.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS: COMPLAINANT:

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1. DIVISIONAL FOREST OFFICER, NILAMBUR.

2. FOREST RANGE OFFICER,
EDAVANNA RANGE, KODUMPUZHA FOREST STATION,
MALAPPURAM.

3. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5278/2006

DATED THIS THE 28TH DAY OF AUGUST, 2006

O R D E R

The prosecution alleges that a workshop, which is attached to the house of the petitioner, was searched by the Forest Range Officials of Edavanna, and found that the petitioner was illegally in possession of Red Sandalwoods, five in number, weighing 12.350 Kgs, sandal chips weighing 350 grams, small pieces of sandalwoods weighing 1.100 Kgs., sandalwood powder weighing 100 grams, sandal paste of one bottle and a bottle having the label of 'sedur' and 26 sandalwoods weighing 28.900 Kgs, and they were seized from the petitioner. Therefore O.R.No.9/2006 of Kodumpuzha Forest Station, was registered against the petitioner, for the offence punishable under Section 27(1), (d), (e), (iii) and (iv) of the Kerala Forest Act. The petitioner is, therefore, before this Court, for a pre-arrest order, as he apprehends arrest.

2. I heard the learned counsel for the petitioner.

It is submitted that the petitioner is a licensee to manufacture and export handicrafts, manufactured in sandalwoods. He also, however, submitted that he had purchased sandalwoods of 25.620 Kgs, worth Rs. 30,923/- and he paid Rs.26,410/-, after deducting the subsidy, as per the cash bill, dated 19.11.2002, from the Handicrafts Development Corporation of Kerala Limited. The Forest Department also issued pass for the transit of the above articles purchased.

3. It is for the petitioner to show before the Investigating Officer that the sandalwoods, purchased on 19.11.2002, are the same articles that had been seized by the Investigating Officer, on 9.8.2006 from the premises, as stated above.

4. In these circumstances, without entering into any discussion on the merit of the matter, I direct the petitioner to appear before the Deputy Ranger of Kodumpuzha Forest Station, on 31.8.2006 between 10.30 a.m and 11.00 a.m.

5. The Investigating Officer shall scrutinise all

the documents that would be produced before him and thereafter, the petitioner shall be produced before the Manjeri Forest Court, as per the law.

6. The learned Magistrate shall consider the bail application, that would be filed by the petitioner, together with the application for custodial interrogation, if any, on merit and pass orders on the date of production itself.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs